

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____)	CIVIL ACTION
ADA ALICEA,)	FILE NO.: 07 Civ. 6123 (DC)
)	
Plaintiff,)	NOTICE OF MOTION
)	TO DISMISS
v.)	
)	ECF CASE
CIRCUIT CITY STORES, INC.,)	
)	
Defendant.)	
_____)	

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Matthew G. Parisi dated September 10, 2007, the exhibits attached thereto and the accompanying Memorandum of Law, Defendant Circuit City Stores, Inc. will move the Court, before the Hon. Denny Chin on a date to be determined by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York for an Order pursuant to Fed R. Civ. P. 12 (b)(6) dismissing this matter in its entirety on the grounds that Plaintiff Ada Alicea failed to state a claim upon which relief may be granted, and for such other and further relief as to the Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's directive at the August 10 pre-motion conference, Opposing Papers are to be served by October 8 and Reply Papers, if any, are to be served by October 15.

Respectfully submitted,

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